

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF CORRECTION  
ADMINISTRATIVE SERVICES DIVISION**

**CHAPTER 0420-1-3  
CHARGES FOR PRODUCING COPIES OF PUBLIC RECORDS**

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**0420-01-03-.01 PURPOSE.** Following the publication of the Schedule of Reasonable Charges for Copies of Public Records developed by the Office of Open Records Counsel pursuant to Tenn. Code Ann. § 8-4-604(a), these Rules are promulgated for the purpose of establishing and implementing charges for producing copies of public records of the Tennessee Department of Correction. Other statutory provisions, such as Tenn. Code Ann. § 10-7-506(c), describe charges that may be assessed when specific records are requested for a specific use.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.

**0420-01-03-.02 PRODUCTION COSTS.** The Department shall charge the requesting party for production costs based upon the most current version of the Schedule of Reasonable Charges issued by the Office of Open Records Counsel, available at <http://www.comptroller.state.tn.us/openrecords/index.htm>.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.

**0420-01-03-.03 COPYING COSTS.** The Department shall charge the requesting party for copying costs based upon the most current version of the Schedule of Reasonable Charges issued by the Office of Open Records Counsel.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.

**0420-01-03-.04 LABOR COSTS.** The Department shall charge the requesting party for labor costs based upon the most current version of the Schedule of Reasonable Charges issued by the Office of Open Records Counsel.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.

**0420-01-03-.05 DELIVERY COSTS.** The Department shall charge the requesting party for the costs incurred by the Department in delivering the records to the requesting party, in addition to any other charge permitted by these Rules.

- (1) Delivery of copies of public records to the requesting party shall be by hand delivery when the requesting party returns to the custodian's office to retrieve the requested records. If the requesting party chooses not to return to the custodian's office to retrieve the copies, the Department shall deliver records to the requesting party through the United States Postal

(Rule 0420-01-03-.05, continued)

Service, and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge.

- (2) In the discretion of the Department, copies of public records may be delivered through other means, including electronically, and the cost related to such delivery shall be assessed.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.

**0420-01-03-.06 PAYMENT OF PRODUCTION COSTS.** If the requesting party requests copies of public records, the following provisions concerning payment of production costs shall apply:

- (1) The Department shall provide the requesting party an estimate of the production costs before initiating the production of copies of the requested public records.
- (2) The Department shall require payment in full of all production costs before copies of public records are delivered or otherwise made available to the requesting party.
- (3) Production costs must be paid by cash, check, or money order. Cash payments must be for the exact amount of the production costs. Checks must be made payable to The State of Tennessee for the exact amount of the production costs.
- (4) The Department will provide a receipt to the requesting party upon receipt of payment of the production costs.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.

**0420-01-03-.07 WAIVER OF PRODUCTION COSTS.** Waiver of production costs for copies of public records shall be in accordance with the following provisions:

- (1) The Department shall provide copies of public records without charge if all production costs do not exceed Three Dollars (\$3.00).
- (2) When the requesting party is a federal, state, or local government agency, the Department shall provide the requested copies of public records without charge, unless federal funds are provided to that agency for reimbursing entities providing copies of relevant records. A request made by a federal, state, or local government agency on behalf of a citizen under the Tennessee Public Records Act shall be treated as a request by the citizen and charged accordingly.
- (3) The Department may provide copies of the following records without charge if the Department will not incur significant production costs in providing the records: basic budget information, history of the Department, biographical data for Department employees, general facts and figures about the Department, and similar information.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.

**0420-01-03-.08 REQUESTS FOR COPIES FOLLOWING INSPECTION.** The Department shall not assess a charge to inspect public records, unless otherwise required by law. However, if the requesting party, after requesting to inspect public records, requests copies of public records, the Department shall charge the requesting party for all production costs.

**Authority:** T.C.A. §§ 4-3-603; 4-3-606; 10-7-506(a). **Administrative History:** Public necessity rule filed November 20, 2008; effective through May 4, 2009.